

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 11-15658
Non-Argument Calendar

D.C. Docket No. 2:11-cr-00052-CEH-DNF-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERTO TREVINO,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(December 7, 2012)

Before MARCUS, JORDAN and KRAVITCH, Circuit Judges.

PER CURIAM:

Thomas H. Ostrander, appointed counsel for Roberto Trevino in this direct

criminal appeal, has filed both a motion to withdraw from further representation of Mr. Trevino and a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). Our independent review of the entire record reveals that Mr. Ostrander's assessment of the relative merit of Mr. Trevino's appeal is correct. Having also reviewed Mr. Trevino's response to the *Anders* brief filed by Mr. Ostrander, we conclude that (1) the appeal waiver bars Mr. Trevino's argument concerning the district court's leadership-role sentence enhancement and (2) any claims of ineffective assistance of counsel must be left to a proceeding pursuant to 28 U.S.C. § 2255 because of the undeveloped nature of the record. Because independent examination of the entire record reveals no arguable issues of merit, Mr. Ostrander's motion to withdraw is **GRANTED**, and Mr. Trevino's conviction and sentence are **AFFIRMED**.